

IN THE  
UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF ALABAMA

CAPITOL RECORDS, INC., A DELAWARE  
CORPORATION; ET AL.,

Plaintiff/Petitioner

vs.  
KELVIN PHILLIPS

Defendant/Respondent

Hearing Date:

CAUSE NO: **2:07CV201-MHT**

DECLARATION OF SERVICE OF:  
NOTICE TO DEFENDANT; SUMMONS; CIVIL COVER  
SHEET; COMPLAINT FOR COPYRIGHT INFRINGEMENT;  
EXHIBITS; CORPORATE/ CONFLICT DISCLOSURE  
STATEMENT; REPORT ON THE FILING OR  
DETERMINATION OF AN ACTION OR APPEAL RE A  
COPYRIGHT

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the **1st day of May, 2007, at 2:00 PM**, at the address of **3022 SOUTHMALL CIRCLE APT. A, MONTGOMERY, Montgomery County, AL 36116**; this declarant served the above described documents upon **KELVIN PHILLIPS**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **Brandon Ross, Room Mate, A black male approx. 25-30 years of age 5'6"-5'8" in height weighing 120-140 lbs with black hair**, a person of suitable age and discretion residing at the respondent's usual place of abode listed above.

No Information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Declarant hereby states under penalty of perjury under the laws of the State of **Alabama** that the statement above is true and correct.

DATED this **2nd day of May, 2007.**

  
Glenn McDaniel

ABC's Client Name  
**Holme, Roberts & Owen RIAA**  
(PFI)  
**Kelvin Phillips**

ORIGINAL PROOF OF  
SERVICE

ABC Tracking #: **4248933**



AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

Service of Summons and Complaint was made by me <sup>(1)</sup>  
 NAME OF SERVER (PRINT)  
 Glenn McDaniel

DATE: 05/01/2007

TITLE: Process Server

Check one box below to indicate appropriate method of service.

☐ Served personally upon the defendant. Place where served: \_\_\_\_\_

☒ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing there in.

Name of person with whom the summons and complaint were left: Brandon Ross (Room Mate)

☐ Returned unexecuted: \_\_\_\_\_

☐ Other (specify): \_\_\_\_\_

## STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing  
 Information Contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on: 05/02/2007

Dated

Signature of Server

ABC Legal Services

633 Yesler Way, Seattle, WA 98104

Address of Server

(1) As to who may serve a summons, see Rule 4 of the Federal Rules of Civil Procedure.

**PFI**

PROCESS  
FORWARDING  
INTERNATIONAL

633 Yesler Way Seattle, WA 98104 www.pfiserves.com  
800 232-8854 Fax: 800 734-6859

## PROCESS SERVICE NOTIFICATION

To: **BALCH & BINGHAM, LLP**  
**PO BOX 78**  
**MONTGOMERY, AL 36101**

Attention: Kelly F. Pate  
Client Ref: Kelvin Phillips

Date: May 4 2007  
Dispatcher: Angela D.  
AngelaD@abclegal.com  
800-324-5619

Tracking #: 4248933



Thank you for using PFI.

Additional service information can be obtained via the Process Service Detail page on our web site.

[www.pfiserves.com/trackserve.asp](http://www.pfiserves.com/trackserve.asp)

Servee: KELVIN PHILLIPS

Person Served: Brandon Ross Room Mate, A black male approx. 25-30 years of age 5'6"-5'8" in height weighing 120-140 lbs with black hair

Served By: Glenn McDaniel

Service Date: May 1 2007 2:00PM

Documents: NOTICE TO DEFENDANT; SUMMONS; CIVIL COVER SHEET; COMPLAINT FOR COPYRIGHT INFRINGEMENT; EXHIBITS; CORPORATE/ CONFLICT DISCLOSURE STATEMENT; REPORT ON THE FILING OR DETERMINATION OF AN ACTION OR APPEAL RE A COPYRIGHT

Service Address: 3022 SOUTHMALL CIR APT. A MONTGOMERY county of County ALABAMA 36116

Court: UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF ALABAMA

Case Name: CAPITOL RECORDS, INC., A DELAWARE CORPORATION; ET AL., Plaintiff / Petitioner  
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All documents are served pursuant to:

- A) The statutes or court rules of the jurisdiction in which the matter originates, and or
- B) The statutes or court rules of the state in which service took place, and
- C) Instructions from the customer

If service was substituted upon another person or left with a person(s) who refused to identify themselves, it is incumbent upon you, our customer, to notify ABC legal/PFI in writing if further attempts to serve, serve by mail, or investigate are required.

Information contained in this notification is deemed to be accurate and reliable, but is subject to final verification by PFI personnel.

OFFICIAL PROCESS SERVER TO  
U.S. DEPT. OF JUSTICE AND U.S. STATE DEPT.